

Carmel Advisory Board of Zoning Appeals
Hearing Officer
Tuesday, August 22, 2005

The meeting was held at 5:30 p.m. in the Caucus Rooms of City Hall, Carmel, Indiana, on Monday, August 22, 2005. The Hearing Officer was Leo Dierckman.

Department of Community Services staff member in attendance was Angelina Conn and Mike Hollibaugh. Also present was John Molitor, BZA Attorney.

C. No reports

D. Public Hearing:

1d. DoubleTree Guest Suites

The applicant seeks the following development standards variance:

Docket No. 05080005 V ZO Chapter 25.07.02-08.c wall sign size

The site is located at 11355 N. Meridian St. and is zoned B-6/Business within the US 31 Overlay.

Filed by Robert Scherer of the Sign Group.

Present for the petitioner, Robert Scherer: The intention is to provide a wall sign there and remove the small one. Unfortunately, [inaudible].

The size is to fit that open space [inaudible].

Ms. Conn commented that this item went before the Plan Commission for ADLS approval the sign will be larger, but will be set back further from the road right away, so the department is in favor of this docket.

Members of the public were invited to speak.

No members of the public appeared to speak in opposition.

The Public Hearing was closed.

Docket no. 05080005 was approved by the hearing officer.

2d. Harrowgate, Sec 3, lot 220 - Hohlier

The applicant seeks the following development standards variance:

Docket No. 05070008 V ZO Chapter 25.02.01 fence height

The site is located at 15 Harrowgate Dr. and is zoned R-1/Residence.

Filed by Beth Hohlier.

Present was the petitioner: Beth Hohlier: Essentially, I just trust that [inaudible] regulations on the side yard [inaudible] I was trying to just match [inaudible] the existing fence, keep the lines clean and just follow cosmetically the same. That was the reason but then found out the corner lot has two front yards.

Mr. Dierckman observes photographs.

Members of the public were invited to speak.

Public was in opposition.

“We’re the next door neighbors. We have some...”

Mr. Dierckman: “Please state your name and address, for the record.

David C. Hunden [inaudible], 21 Harrowgate Drive. The fence that’s there, from our perspective, poses a safety hazard, uh... primarily, and to some extent, an aesthetic issue also. But it’s primarily, from a safety standpoint. I have some diagrams and photographs, if you care to look. From our perspective, uh, looking down our particular driveway, which is a single lane driveway, the fence is pretty close to that and it’s basically [inaudible] south...wall. Through various photographs here of us, my wife, even driving our van or a car, you can see basically you have to get right out into the street to see what’s coming. So you can see that basically, you would have to pull out, and if you in fact resort to pulling in straight you’d have to back out presenting a situation where the vehicles are into the road. What we have are situations where we tend to back in, because we know that that’s the case, when we have to back into our drive, but when we have visitors coming in they pull right in and in one particular case she was backing out she was more concerned about backing out straight and pulled out into the road and around that time that somebody came around the corner, and there was beeping and swerving, that the person had to miss...fortunately, it was a miss, but a near miss. This kind of a situation is just not acceptable to me. And so it’s, primarily, it needs to be cut down to a particular height that is in the ordinance. And I think that these are the situations that those are written for. And visibility through the fence is also lacking. It is a complete privacy fence and so there’s no visibility. Do you care to see any of that, or...?

Mr. Dierckman requests to see the Department Report.

Mrs. Hunden: The other problem that occurs is coming in from Main Street onto Harrowgate, you cannot even see our driveway. The fence and the trees, you know, the growth, and so you cannot see anything and I watch my grandkids every day and so that is a real concern for me.

David C. Hunden: The other aspect of that is that our driveway is not quite a foot at the street where the driveway comes out of the street, but it is several inches below the grade level from where the fence is. And also, here (showing picture) we've included a yardstick next to that to show that the considerable height difference. And so our recommendation is to have that brought down to regulation height.

Mr. Dierckman states that there is no variance for the location of the required [inaudible] of the fence, it's just the height variance and asks if there's anything else to add.

Mrs. Hunden: One other concern that I might just bring out is that the value of our property is affected by that, were we to ever to try to sell the house, people who would have children, I know, would have a concern about having that fence there. We even had issues about it when we moved in 30 years ago and there was no fence there just because we're so close to the corner and we know we have teenagers in the neighborhood who drive faster than the 25 mph speed limit, you know, it's just always a concern. People coming in to Harrowgate and people leaving our driveway.

Mr. Dierckman asked if anyone else wants to speak out in regard to the matter.

Vera Bachs, 1032 E 131st Street: "This isn't unusual to see that in the neighborhood, cause it doesn't blend with the neighborhood at all. No one has a fence like that in their front yard."

Mr. Dierckman stated that there is rebuttal time.

Ms. Hohlier stated that she's sorry that she did not want it to cause any problems [inaudible] obviously [inaudible]...

Ms. Conn commented that the variance request is for 18 inches. The ordinance requires that a fence in the front yard be 3 and one-half feet tall, which is about 42 inches. The existing fence is about 5 ft. and the department wasn't really sure whether or not it would make a difference if you were sitting at car level if 3 and one-half feet [interruption] the department just wanted the petitioner to address visibility concerns, but the department would recommend positive consideration after all concerns are addressed.

Mr. Dierckman asked how long the fence is along the side yard.

[inaudible]

Mr. Dierckman ruled against the request, but stated that it can be appealed if unsatisfied with the results. One can appeal to the larger board, since there is generally 5 people at the meeting. He is concerned about the safety issues and reducing the fence to 3 feet would resolve those issues, but that it is within rights to have the fence up to the regulated height. He stated that the photographs would be kept in the file for the record.

Docket No. 05070008 V was denied.

The Public Hearing was closed.

3d. Guilford Road Condominiums (Townhomes)

The applicant seeks the following development standards variance:

Docket No. 05070026 V ZO Chapter 20G.05.02(C)(1) % buildings facing street

The site is located southwest of Main St & Guilford Rd and is zoned OM/MF: Old Meridian-Multi-Family. Filed by Mark Monroe of Wooden & McLaughlin for Guilford Real Estate Partners, LLC.

Mark Monroe stated his name and that he is an attorney representing Guilford Real Estate Partners, LLC. He stated that present with him is Mr. Scott Krespach, as well as Bill Hillis, both with Guildford Real Estate Partners. Guilford has acquired a two-acre site located one property south of the southwest corner of Main Street and Guilford Avenue. On our side of the street we are adjacent to the Rosewalk Senior Housing Facility to our west, a new retail center to our north and the Carmel Middle School and their school park site to the South. To the East across the street is the Wilson Village Condominium Complex. As you noted in the agenda our site is zoned for multi-family development. Our condominium project is in conformance with the use requirements of the Old Meridian District. Our plans have been approved as far as the Development Plan and the ADLS petition by the Plan Commission at last week's meeting. The only variance we have requested here this evening is the requirement for at least 75% of the buildings in the complex to face a public street and as you'll note on the site plan, approximately half of our units, or 50% of the buildings, face a public street. Those along the right-of-way at Guilford and those units facing south, which would be in view from Guilford Road. The other four buildings actually face each other with considerable courtyard located between them and they are designed to face each other because that would be better than facing them to the North and that would face to the back of the retail and auto mechanic repair shop. Also, there is a professional office building to the North. In lieu of facing that area, those buildings face the courtyard in the middle and the north boundary has been landscaped with a buffer, in addition to the buffer to the North. So that's an explanation of the only variance required for the project and we'd be glad to entertain any questions you might have.

Members of the public were invited to speak.

Bob [inaudible], 762 Wilson Terrace Court: The only reason I am here is to find out what's going on. We were all shocked. We're all retired people in little houses. It's great that they got those junky houses out of there, but we didn't know anything was going on. And also that's what I'm here for, I'd like to know what type of units they're gonna' build and how many of them and that's all...I'm not objecting to anything.

Mark Monroe: There will be eight buildings and those eight buildings contain 37 condominium units. They are towne home style with 3 stories, placed adjacently to each other and all brick. We anticipate that each unit be about 3,000 square feet and we're marketing them in the range of \$300,000. Our site has been extensively landscaped. We'll probably have approximately one hundred trees on the side with about four hundred shrubs, in addition, some annual plantings, etc. We'll have street lights along Guilford Road and continue along the sidewalk, or the walking path, down to the Middle School site.

The question was asked if there will be parking available to these people in these units?

Yes, they each have a two-car garage as well as two visitor parking spaces outside of the garage.

Who is the developer?

Guilford Real Estate Partners.

Bob asked when they will start and if it was their first “venture” and that he was concerned about it collapsing and his little grandchildren will be playing in the ruins. Does it have one driveway?

We hope to start selling by the first of the year. Just one driveway off Guilford.

Which end of the property?

Almost dead center.

Bob requested a copy. He expressed that his neighbors are old and get nervous when they think anything different is happening.

He then welcomed them into the neighborhood and was in favor.

Ms. Conn commented that the variances were approximately a 25% difference. They’re proposing 50% of the buildings facing the street when the ordinance requests 75%. The department has no concerns and recommends positive consideration.

Docket No. 05070026 V was approved.

The Public Hearing was closed.

E. Old Business

There was no Old Business.

F. New Business

There was no New Business.

G. Adjourn

The meeting was adjourned at 5:55 p.m.

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Leo Dierckman, Hearing Officer

Angelina Conn, Planning Administrator